

IN RE: PETITION FOR ZONING VARIANCE
W/S Satyr Hill Road, 240' +/-
N of Wilker Avenue
(8712 Satyr Hill Road)
9th Election District
6th Councilmanic District
CDK & Associates Ltd. Part.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-140-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit 136 parking spaces in lieu of the required 147, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Keith Nusinov, General Partner, appeared, testified and were represented by Eugene W. Cunningham, Jr., Esquire. Also appearing on behalf of the Petition were Donald Nusinov, David A. Cearfoss of Cearfoss Construction, J. Scott Dallas, and Michael B. Dallas with V.T.A. Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 8712 Satyr Hill Road, consists of 1.9284 acres more or less zoned B.L., and is located along the west side of Satyr Hill Road, northwest of the intersection of Satyr Hill Road and Old Harford Road. The property is improved with two existing structures. One, a two-story block, brick and shingle building is currently used as a restaurant and tavern known as the Valley View Inn. The first floor of that building contains 3,532 sq.ft. of space and is used exclusively by the restaurant. The basement is used for storage while the second floor contains two apartments. The second building is a one-story block building presently used for commercial purposes which will be razed.

Testimony indicated the Petitioners are a limited partnership composed of the principals of Charles Nusinov & Sons, Inc., hereinafter referred to as "Nusinov", a Maryland Corporation whose principle offices are presently located in Baltimore City. Testimony indicated that Nusinov is a traditional jeweler featuring fabrication, sales and repair of fine jewelry and accessories. The Petitioners purchased the subject property in April, 1988 and propose constructing a two-story retail and office space building totalling approximately 17,000 sq.ft. as set forth in Petitioner's Exhibit 1 to house Nusinov's and related uses. A portion of the proposed building will be leased for retail purposes while the remaining portion of the building will feature a centrally located retail center and office space for Nusinov's.

Testimony indicated that prior to the hearing Petitioners revised their plans to incorporate earlier comments submitted by various Baltimore County agencies. The revised plan provides 136 parking spaces of which 19 spaces are located off-site on County and state-owned property. Testimony indicated the 19 off-site spaces had been used regularly in conjunction with the restaurant/tavern operation for the past 17 years. This area was taken from the property some time in 1972 or 1973 as part of the Satyr Hill Road widening and relocation project. Since that time, the spaces have been maintained by the restaurant for its customers' use. Testimony presented by Petitioners indicated they are in the process of negotiating with the Baltimore County Bureau of Land Acquisition to obtain a franchise for the continued use of the area. Pictures introduced as Exhibits 3 through 10 clearly reflect that the use of the 19 spaces is a fair and reasonable use of the property without causing detriment to the health, safety or general welfare of the public. Further testimony pre-

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sented by the Petitioners indicated the requested variance would not cause any traffic problems due to the difference of peak hours of use between the restaurant and the proposed building. Petitioners argued that to deny the requested variance would result in practical difficulty and unreasonable hardship without any benefit to the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of February, 1989 that the Petition for

-3-

Zoning Variance to permit 136 parking spaces in lieu of the required 147, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) All exterior lighting shall be directed downward and shall not diffuse onto any residential property.
- 3) Landscaping shall be provided at a minimum in accordance with that set forth in the Baltimore County Landscaping Manual. In addition, Petitioner shall landscape that portion of the property fronting along Satyr Hill Road and Wilker Avenue in a manner deemed appropriate by the Baltimore County Landscape Planner. A landscaping plan shall be prepared and submitted for approval by the Baltimore County Landscape Planner in the Office of Current Planning.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 3, 1989



Dennis F. Rasmussen
County Executive

Eugene W. Cunningham, Jr., Esquire
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S Satyr Hill Road, 240' +/- N of Wilker Avenue
(8712 Satyr Hill Road)
9th Election District - 6th Councilmanic District
CDK & Associates Ltd. Partnership - Petitioners
Case No. 89-140-A

Dear Mr. Cunningham:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party files the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File

1392C
EWC/mvj
1/23/89

IN RE: PETITION OF
CDK & ASSOCIATES LIMITED
PARTNERSHIP
FOR ZONING VARIANCE

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* Case No. 89-140-A

MEMORANDUM IN SUPPORT OF PETITION FOR ZONING VARIANCE

The Petitioner, CDK & Associates Limited Partnership, by its attorneys, Eugene W. Cunningham, Jr. and Royston, Mueller, McLean & Reid files this Memorandum in Support of its Petition for Zoning Variance.

FACTS

By Deed dated April 17, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7862 folio 817, the Petitioner, CDK & Associates Limited Partnership ("Petitioner") acquired a 1.9284 +/- acre parcel of property located in the Ninth Election District of Baltimore County along the west side of Satyr Hill Road just north/northwest of the intersection with Old Harford Road (the "Property"). A legal description of the Property is attached hereto as Exhibit A.

The Property is currently improved by 2 existing buildings described as follows:

- a. a one-story block building currently used for commercial purposes which is to be razed.
- b. a two-story block, brick and shingle building which is to remain (the "Existing Building").

The Existing Building houses the "Valley View Inn", a restaurant/tavern holding a seven-day "on sale" liquor license. The first floor of the Existing Building contains 3,532 square feet of space¹ and is used as the restaurant. There is a basement which is used for storage and a second floor which contains two (2) apartments.

The Petitioner desires to construct upon the Property additional improvements. Petitioner is a limited partnership composed of the principals (and related persons) of Charles Nusinov and Sons, Inc., a Maryland corporation ("Nusinov"), whose principal offices are currently located in Baltimore City on Belair Road. Nusinov is a traditional jeweler, featuring fabrication, sales and repair of fine jewelry and accessories. Nusinov is intended to be the main tenant of the new building, bringing to Baltimore County its excellent reputation and business. Petitioner, through Cearfoss Construction, has designed a state of the art facility to house Nusinov and related uses, totaling approximately 16,882 square feet (the "Proposed Building"). The Proposed Building will feature a centrally located retail center for Nusinov, with a mezzanine used for offices, repairs and fabrication. Petitioner has submitted with its parking detail plan, a set of preliminary drawings depicting this aesthetically pleasing design.

1. All square footage referenced are based upon the Plan prepared by VT Associates, Inc. and submitted as part of the zoning file.

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The proposed use of the Property, with these additional improvements, when taken together with the existing restaurant use, do not meet the necessary parking requirements. Current law requires 147 total spaces, but Petitioner's proposed design can provide only 136 total spaces, all as shown on the Plan submitted with the file and prepared by VT Associates, Inc. Petitioner filed its Petition for Variance seeking a variance from the strict application of the Parking Requirements so as to permit the construction and use of the Proposed Building.

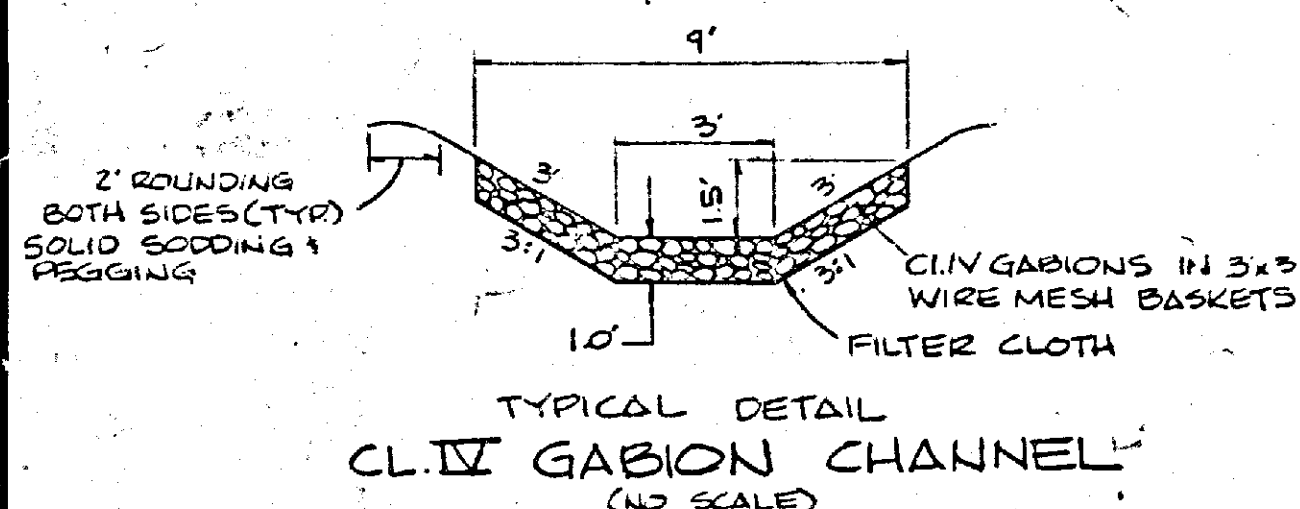
The hearing on the Petition was originally scheduled for October but was postponed. In connection with the earlier hearing, several governmental entities submitted comments regarding the Petition.

Petitioner has addressed all of the comments of these agencies, and they are shown on the current plans. Specifically:

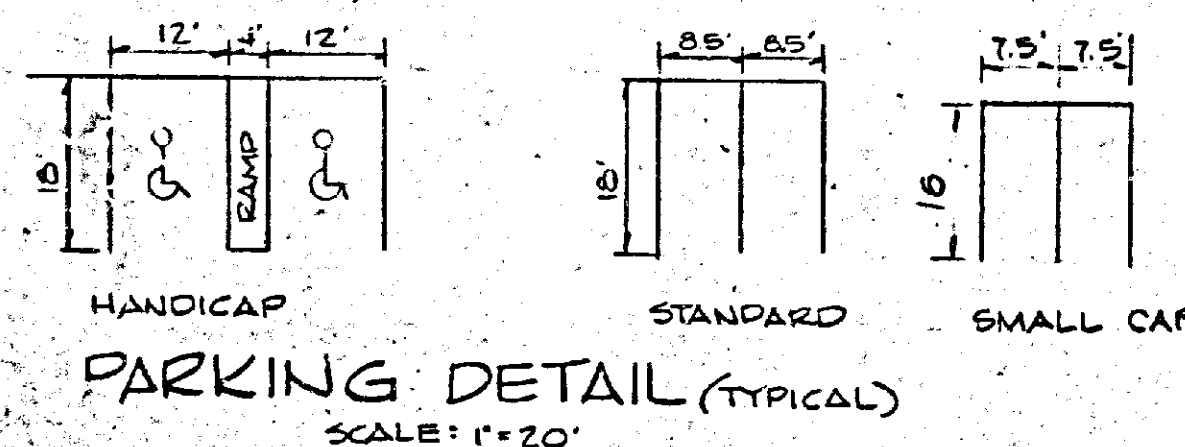
1. State Highway Administration - comments made by letter of August 15, 1988 have been fully addressed satisfactorily.
2. County Bureau of Traffic Engineering - requested a single access to and from Satyr Hill Road. Petitioner's plans now indicate this single access.
3. County Planning and Zoning - Mr. Keller's memorandum of October 18, 1988 contained various comments, most of which related to the CRG process. Petitioner has, however, addressed and included all comments OTHER THAN the office's

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1. THIS SITES LIES WITHIN:
 - A. ELECTION DISTRICT # 9
 - B. COUNCILMANIC DISTRICT # 6
 - C. CENSUS TRACT # 4919
 - D. WATERSHED # 4
 - E. SUBSEWERSHED # 30
2. AVERAGE DAILY TRIPS: 1502
3. SITE LIGHTING SHOWN THUSLY: A-
4. NUMBER OF PARKING SPACES SHOWN THUSLY: (C)
5. AREAS WHERE DEVELOPMENT OCCURS, VEGETATION TO BE REMOVED UNLESS OTHERWISE NOTED (NO WOODS ON SITE)
6. THERE ARE NO HISTORIC, WETLAND, OR CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, OR HAZARDOUS MATERIALS KNOWN ON SITE.
7. SOIL TYPES: BUB, BELTSVILLE-URBAN LAND COMPLEX, 0 to 5% SLOPES
LIMITATIONS: BUILDINGS WITHOUT BASEMENTS - SLIGHT
STREETS & PARKING LOT - MODERATE;
SEASONALLY PERCHED WATER TABLE;
SLOPE
8. REQUIRED PARKING: SEE SCHEDULE
9. PROPOSED PARKING: SEE SCHEDULE
10. EXISTING USE: RESTAURANT & TAVERN (TO REMAIN)
11. PROPOSED USE: JEWELRY SHOWROOM & OFFICES & RETAIL
12. FLOOR AREA RATIO PERMITTED: 3.0 & RESTAURANT & TAVERN
13. FLOOR AREA RATIO PROPOSED: 22,000/31,780 = 0.24
14. % OF BUILDING COVERAGE OF SITE: 19%.
15. LANDSCAPING:
 - a) TO BE ACCOMPLISHED IN ACCORDANCE WITH LANDSCAPING MANUAL & PARKING REQUIREMENTS
 - b) SEE LANDSCAPING PLAN FOR INFORMATION PERTAINING TO SCREENING OF DUMPSTERS.
 - c) REQUIRED PLANTING
 - 1) 1 TREE PER 40' ROAD FRONTAGE: 464.3/40 = 11.61
 - 2) 1 TREE PER 12 PARKING SPACES: 134/12 = 11.33
 - 3) TOTAL REQUIRED PLANTINGS: 23
 - 4) TOTAL PROPOSED PLANTINGS: 23
16. EXISTING ZONING OF SITE: BL
17. GROSS AREA OF SITE: 2.16 AC ±
18. SATYR HILL RD: 0.18 AC ±
19. NET AREA OF SITE: 1.92 AC ±
- 20.
21. THE 19 SPACES DESIGNATED AS EXISTING ARE OFF SITE ON BALTO CO OWNED PROPERTY.
22. LANDSCAPING IS PROPOSED IN ALL ISLAND AREAS (SUBJECT TO CHANGE PER C.R.G. & LANDSCAPE COMMENTS).
23. STORM WATER MANAGEMENT TO BE PROVIDED BY PARKING LOT STORAGE.



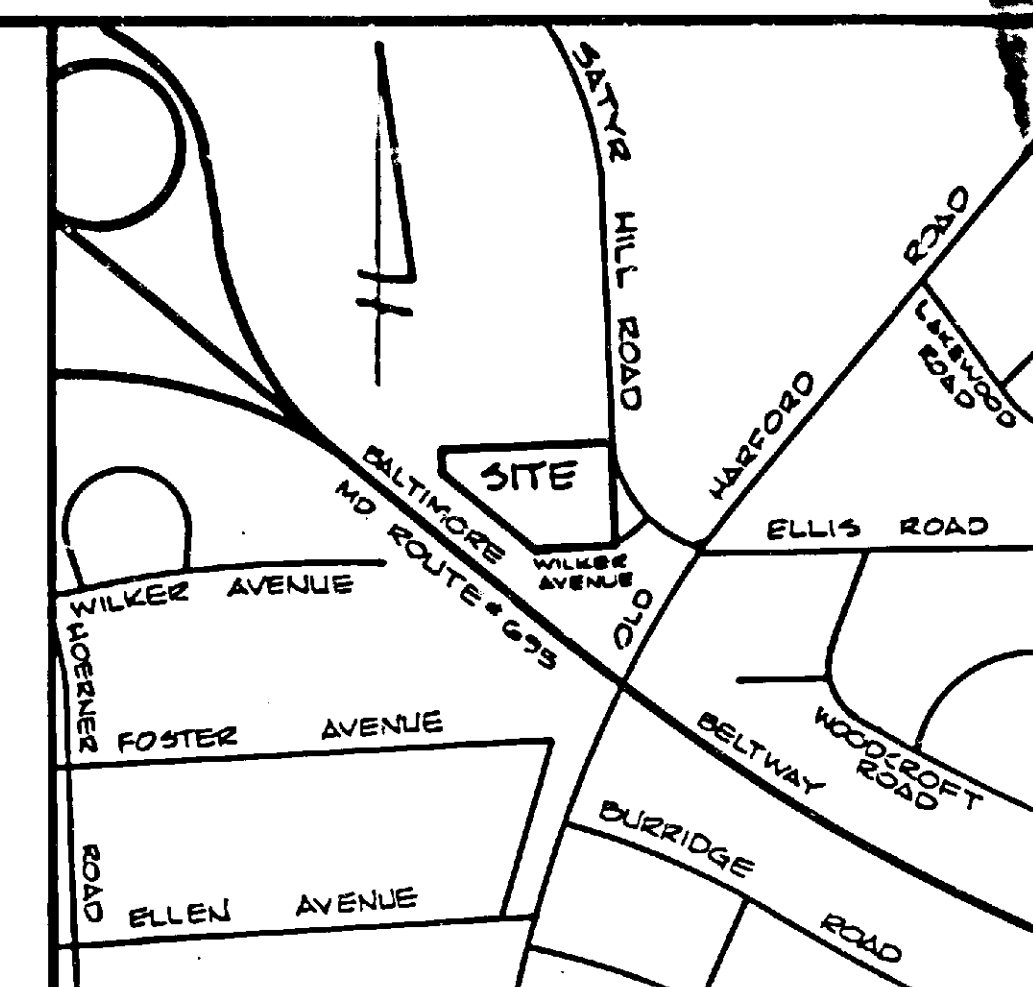
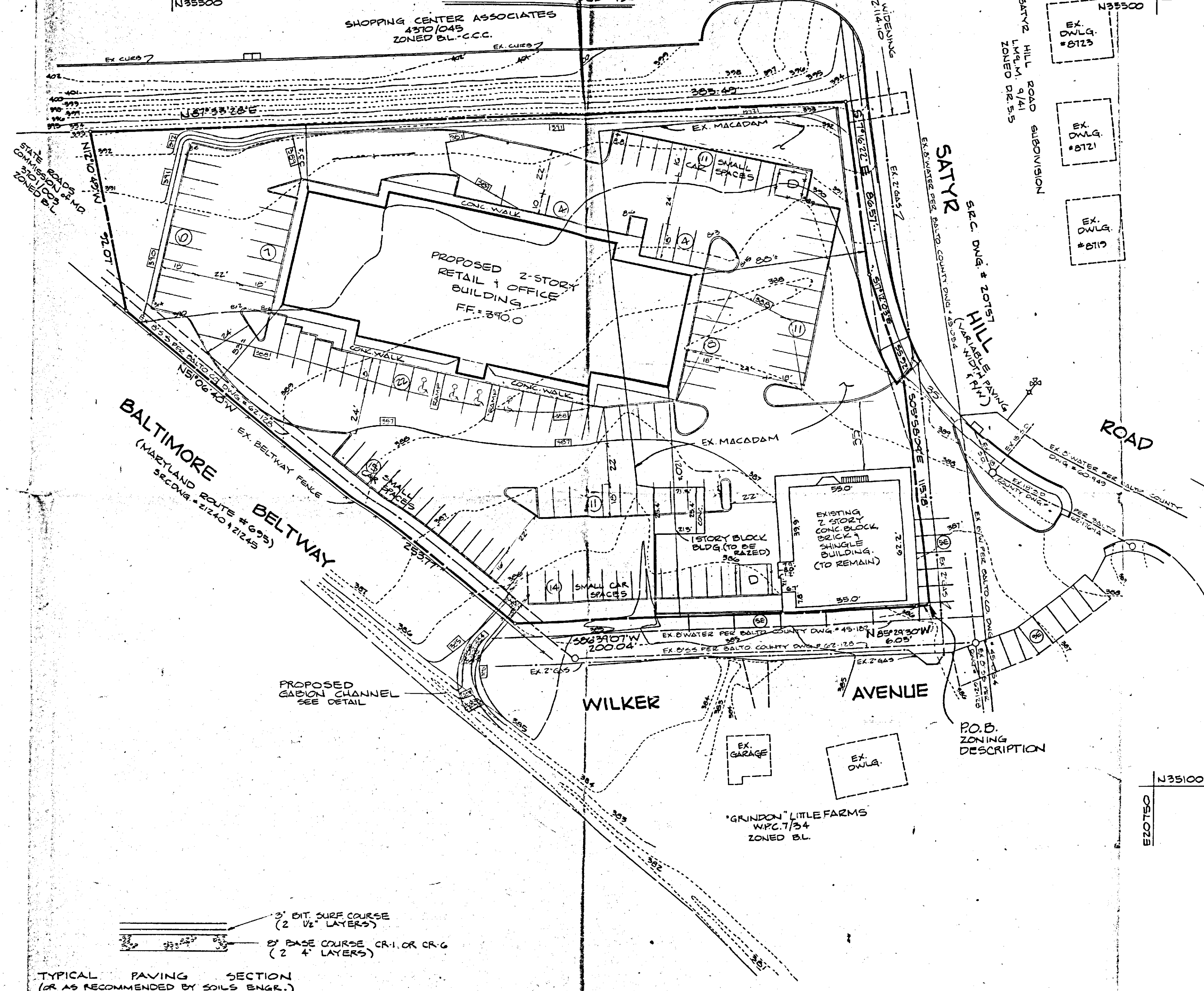
$Q = 15.3 \text{ cfs}$ $n = 0.035$ $S = 0.020$, DEPTH 0.7', $A = 3.57$, $W.P. = 7.43$, $R = 0.430$
 $R^{1/3} = 0.61$, $V = 4.33 \text{ fps}$, $Q = V \cdot A = 4.33 \times 3.57 = 15.5 \text{ cfs}$



PROPOSED BUILDING
FIRST FLOOR:

1. SHOWROOM (RETAIL)	4560 SF = 5/1000 =	24.00
2. RETAIL (TENANT, RENTAL)	5390 SF = 5/1000 =	20.95
3. OFFICE (GENERAL)	3540 SF = 3.3/1000 =	11.68
MEZZANINE		
1. OFFICE (GENERAL)	3002 SF = 3.3/1000 =	9.91
EXISTING BLDG TO REMAIN		
1. RESTAURANT (TOTAL 1ST FL)	3532 SF = 20/1000 =	70.64
2. APARTMENTS (2) 1BR, 2BR	2 = 1.5	3.0
TOTAL SPACES REQUIRED = 147		
SPACES PROPOSED = 117		
SPACES EXISTING = 19		
→ TOTAL SPACES PROVIDED = 136 ←		

offsk



LOCATION MAP
SCALE: 1"=500'

PREVIOUS
ZONING CASES: ✓

CASE # 86-56-A
REQUEST VARIANCE TO PERMIT 4FOOT
SIDE YARD SETBACK INSTEAD OF THE
REQUIRED 10 FOOT.
APPROVED - AUGUST 7, 1985

CASE # 73-199-R
REQUEST RECLASSIFICATION OF SITE
ZONING FROM DR.16 TO B.L.
APPROVED - MARCH 6, 1973

PETITIONER'S
EXHIBIT 1

SEE REVISED PLAN

VTA ASSOCIATES, INC.
SURVEYING & ENGINEERING

4932 HAZELWOOD AVENUE
BALTIMORE, MARYLAND 21206
(301) 866-2001



MICHAEL B. DALLAS
MD. REG. No. 106

1-9-8
DATE

DATE	REVISION
7-22-88	ADD SHT. 213 FOR PARKING VAR. REQ.
0-21-89	REVISED PER TRAFFIC ENGINEERING COMMENTS RECEIVED 10-15-88. 1 DITCH PER S.H.A. COMMENTS RECEIVED 9-24-88
12-26-88	REV. GRASSY TO ACCOMMODATE 2-YR ✓ PARKING LOT S.W.M. ADD PREV ZONING CASE DATA.

OWNER
CDK & ASSOCIATES LIMITED PARTNERSHIP
DEED REFERENCE: SM 7862/817
TAX ACCOUNT #:

APPLICANT
CHARLES NUSINOV & SONS, INC
6635 BELAIR ROAD
BALTIMORE, MARYLAND 21206

PETITION for ZONING VARIANCE
 PLAN for CHARLES
 NUSINOV & SONS, INC.
 AT SATYR HILL ROAD

• SCALE: 1"=30'

• 9TH. ELECTION DISTRICT

SHEET 1 OF 3

MAY 14, 1988

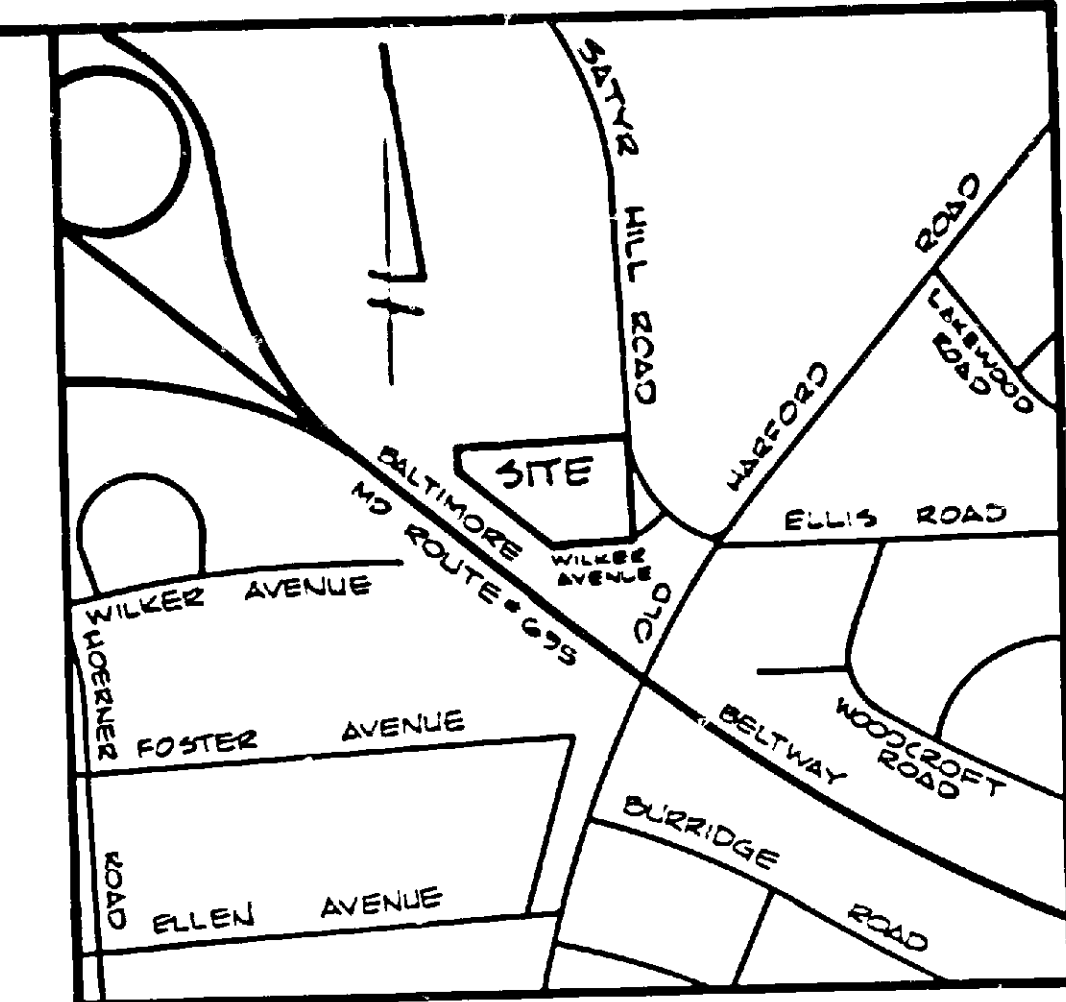
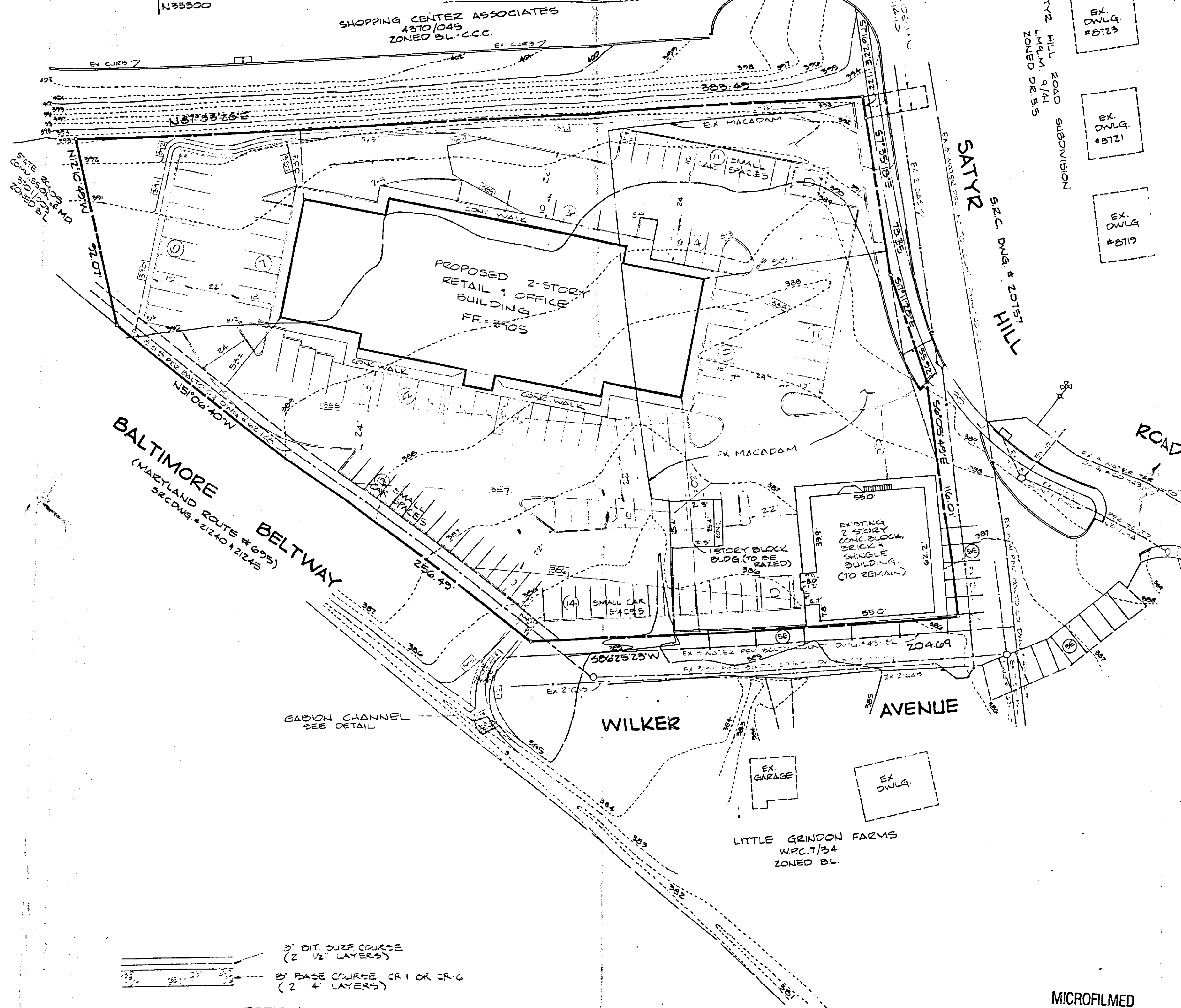
BALTIMORE COUNTY, MD.

GENERAL NOTES:

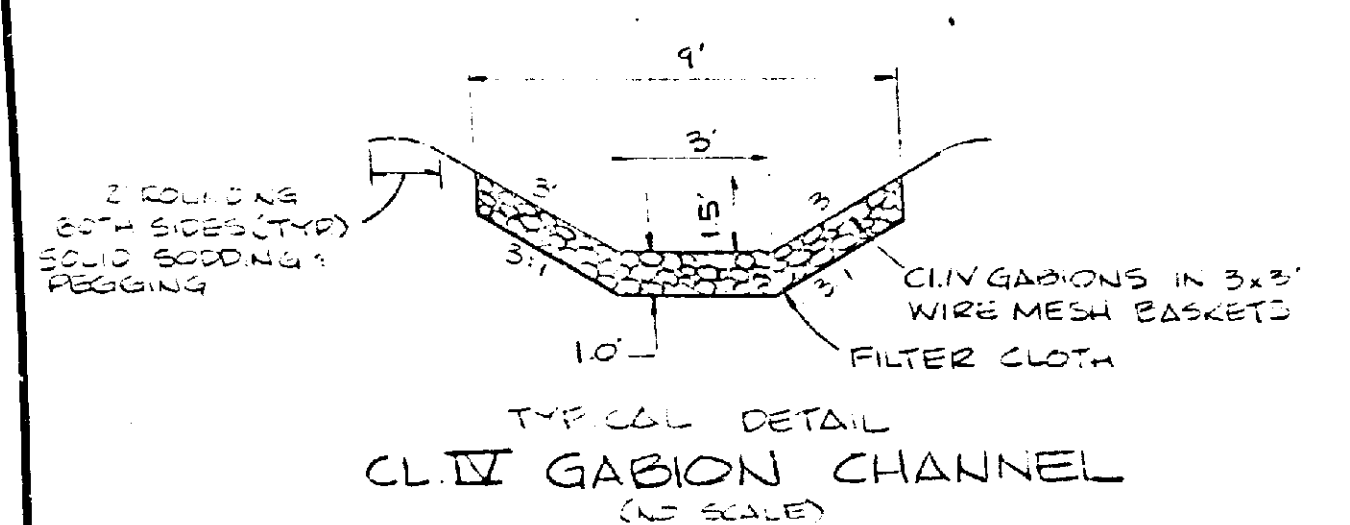
- THIS SITE LIES WITHIN:
 - ELECTION DISTRICT #9
 - COUNCILMANIC DISTRICT #6
 - CENSUS TRACT #4919
 - WATERSHED #4
 - SUBWATERSHED #50
- AVERAGE DAILY TRIPS: 1502
- STREET LIGHTS SHOWN THUSLY -▲- MOUNTING HEIGHT SHALL BE ABOVE 14'
- NUMBER OF PARKING SPACES SHOWN THUSLY -⑩-
- AREAS WHERE DEVELOPMENT OCCURS, VEGETATION TO BE REMOVED UNLESS OTHERWISE NOTED (NOWOODS ON SITE).
- THERE ARE NO HISTORIC, WETLAND OR CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, OR HAZARDOUS MATERIALS ON SITE.
- SOIL TYPES: EUB, BELTSVILLE-URBAN LAND COMPLEX, 0 to 5% SLOPES
- LIMITATIONS: BUILDINGS WITHOUT BASEMENTS - SLIGHT; STREETS & PARKING LOT - MODERATE; SEASONALLY PERCHED WATER TABLE; SLOPE
- REQUIRED PARKING: SEE SCHEDULE
- PROPOSED PARKING: SEE SCHEDULE
- EXISTING USE: RESTAURANT & TAVERN (TO REMAIN)
- PROPOSED USE: JEWELRY SHOWROOM, OFFICES & RETAIL
- FLOOR AREA RATIO PERMITTED: 3.0; RESTAURANT & TAVERN
- FLOOR AREA RATIO PROPOSED: 22,000/21,780 = 0.24
- % OF BUILDING COVERAGE OF SITE: 19%
- LANDSCAPING:
 - TO BE ACCOMPLISHED IN ACCORDANCE WITH LANDSCAPING MANUAL & PARKING REQUIREMENTS
 - SEE LANDSCAPING PLAN FOR INFORMATION PERTAINING TO SCREENING OF DUMPSTERS.
- REQUIRED PARKING:
 - 1 TREE PER 40' ROAD FRONTAGE: 450/40 = 11.5
 - 1 TREE PER 12 PARKING SPACES: 114/12 = 9.5
 - TOTAL REQUIRED PLANTINGS: 22
 - TOTAL PROPOSED PLANTINGS: 22
- EXISTING ZONING OF SITE: BL
- CESSAGE AREA OF SITE: 2107 AC
- SATYR HILL ROAD: 0.179 AC
- NET AREA OF SITE: 1.023 AC
- ZONING CASE = 56.56-A
- THE 19 SPACES DESIGNATED AS EXISTING ARE OFF SITE ON BALTO CO OWNED PROPERTY
- LANDSCAPING IS PROPOSED IN ALL ISLAND AREAS (SUBJECT TO CHANGE PER C.R.G. & LANDSCAPE COMMENTS)

PARKING SCHEDULE:

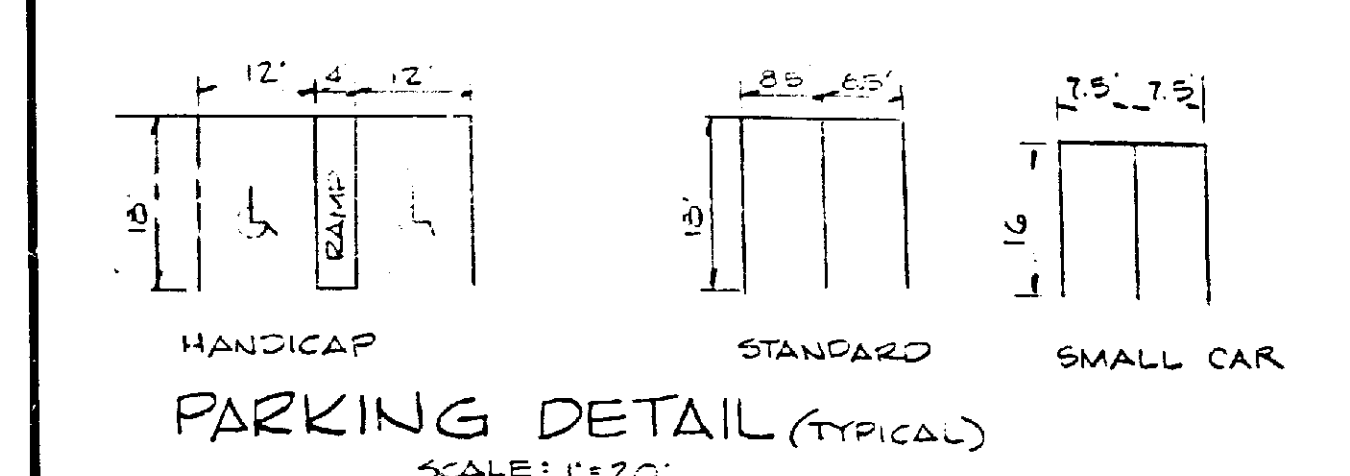
FIRST FLOOR:		PARKING REQUIRED	
1 SHOWROOM (RETAIL)	4260 SF * 3/1000 =	24.8	
2 RETAIL (TENANT, RENTAL)	5420 SF * 3/1000 =	27.4	13,380
3 OFFICE (GENERAL)	3540 SF * 3.3/1000 =	11.7	
MEZZANINE			
1 OFFICE (GENERAL)	3002 SF * 3.3/1000 =	9.9	
EXISTING BLDG TO REMAIN			
1 RESTAURANT (TOTAL 1ST FL)	3532 SF * 20/1000 =	70.6	
2 APARTMENTS (2EA.) 1BR, 2BR	2 * 1.25 =	2.5	
TOTAL SPACES REQUIRED: 147			
SPACES PROPOSED: 117			
SPACES EXISTING: 19			
TOTAL SPACES PROVIDED: 136			



LOCATION MAP
SCALE: 1" = 500'



Q=15.3 cfs, n=0.025, S=0.025, DEPTH OF 1' A=3.27 WP=7.43 Z=0.430
2 1/2' CR-1, V=4.33 cfs, Q=V/A=4.33*3.27=14.25 cfs



TYPICAL PAVING SECTION (OR AS RECOMMENDED BY SOILS ENGR.)

MICROFILMED

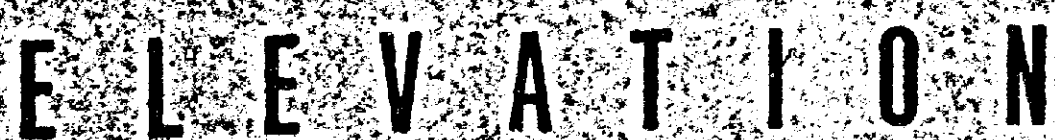
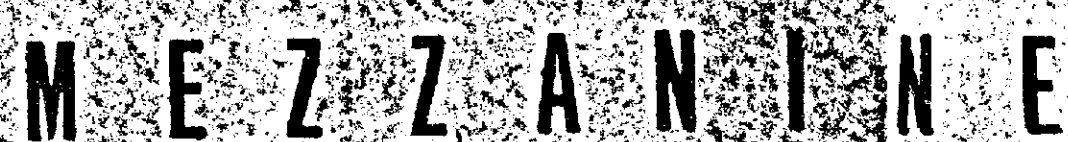
WASSOCIATES, INC.
SURVEYING & ENGINEERING
4932 HAZELWOOD AVENUE
BALTIMORE, MARYLAND 21206
(301) 866-2001

DAVID W. DALLAS, JR.
MD. REG. LAND SURVEYOR #4479

DATE	REVISION
7-22-88	ADD SHT. 213 FOR PARKING VAR. REQ.
10-21-89	REVISED PER TRAFFIC ENGINEERING COMMENTS
	RECEIVED 10-15-89, DITCH PER SHA
	COMMENTS RECEIVED 9-29-89

OWNER
CDK & ASSOCIATES LIMITED PARTNERSHIP
DEED REFERENCE: SM 7062/017
TAX ACCOUNT #:
APPLICANT
CHARLES NUSINOV & SONS, INC.
6635 BELAIR ROAD
BALTIMORE, MARYLAND 21206

PETITION FOR ZONING VARIANCE
PLAN for CHARLES NUSINOV & SONS, INC. AT SATYR HILL ROAD
SCALE: 1" = 30'
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MD
MAY 14, 1988
SHEET 1 OF 3



SHEET 3 OF 3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Al Wirth - SWM
Bob Bowling - Dev. Eng. (3)
Gary Kerns - Current Planning
Rahim Famili - Traffic Engineering
Rocky Powell - DEPRM
Larry Pilson - DEPRM
Dave Flowers - DEPRM
Carl Richards - Zoning
Capt. Kelly - Fire Department
Pat Kincer - Rec. & Parks
Chuck Weiss - Sanitation
Larry Brocato - SHA

DATE: April 13, 1989

FROM: Tom Watson
Bureau of Public Services

SUBJECT: Nusinov Property
VTA 252-4552

RECEIVED

APR 14 1989

ZONING OFFICE

To John L.
5/2/89 ucr

The subject property was granted a waiver of CRG meeting by the Office of Planning & Zoning. However, CRG approval signatures must be obtained.

Please review the attached plan for concurrence with current development regulations and give us your approval or comments by April 28, 1989. Nonresponsiveness by the aforementioned date is considered to be concurrence by your office of the plan.

SEE OTHER SIDE FOR COMMENTS

*NOTE UPDATED COMMENTS 5/11/89

CTW:klm
Attachment
cc: File


*SEE NOTE ON REVISED PLAN.

Note on plan that Zoning Case #89-140-A was granted on 2/3/89, listing what was granted and any restrictions. Add to the variance note on Case #86-56-A that the variance was only granted for the existing restaurant building.

Show on plan any existing or proposed lot subdivision or lease lines and include all building setbacks from any such lines and be aware that Zoning Case #89-140-A indicated that parking is to be shared and should such lot lines be established, a shared parking agreement must be filed with the zoning office.

Note on plan: signs on site will comply with S.413.2 and .5 and all zoning policies.

Commercial Checklist information is necessary for final building permit approval (list included).


JOHN L. LEWIS
Planning & Zoning Associate III

* The small car spaces as shown on the plan are not permitted by S.409.5 B.C.Z.R. which allows small car spaces only in off-street parking facilities where more than 50 spaces are provided at a rate of 40 percent of the number required for office or industrial uses. The small car spaces are, therefore, not permitted and must be replaced by spaces 8' x 18 feet as required by S.409.3.

suggested alignment of the Proposed Building. These comments included landscaping and traffic flow and access. By the hearing date, the Office of Planning should have a revised memo in the file indicating that the alignment issue is the office's sole concern. Petitioner will demonstrate, at the hearing, that Planning's sketch (and there is only one) is inaccurate as it adds 10 feet to the northern boundary of the Property -- therefore, its parking schematic is not accurate.

REASONS FOR VARIANCE

Petitioner believes that its Proposed Building offers the County an excellent design which will be aesthetically compatible with (if not an improvement to) the area. Petitioner could design a small building which would delete certain retail space and thereby meet the combined parking requirements. However, the style of the reduced-size building (more than 2,000 square feet would have to be deleted) would not be retained because the costs would become prohibitive. Therefore, the project would be relegated to a single-story strip center.

Petitioner will provide 136 parking spaces for the project, of which 19 lie off-site on County and State owned land. This area was taken from the Property in 1972 and 1973 as part of the Satyr Hill widening and relocation process. Since such time, the spaces have been maintained by the Restaurant for its use. Petitioner has contacted the County Bureau of Land Acquisition to obtain a franchise (as to the County's rights) for the continued use of the area and will apply to the State of

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Maryland as well. This off-site area is used exclusively for parking for the Restaurant and Petitioner does not know of any planned or conceivable use by any public authority.

Petitioner believes that the shortfall in parking is acceptable because of the difference in peak hours of use between the Existing Building and the Proposed Building. The Valley View Inn has current operational hours of 11:00 a.m. to 11:00 p.m. on weekend nights and 11:00 a.m. to 10:00 p.m. on weekday nights, with peak crowds at dinner on Friday and Saturday nights. The Inn does not serve breakfast, but does serve lunch daily. The current seating capacity of the Inn is 60 in the dining room and 32 at the bar. The peak hours of use of the Proposed Building will be significantly different. Nusinov, the major tenant with over 2/3 of the space, is a retail business with the following hours:

Monday, Wednesday and Friday - 10:00 a.m. to 6:00 p.m.
Tuesday and Thursday - 10:00 a.m. to 8:00 p.m.
Saturday - 10:00 a.m. to 5:00 p.m.

During the December holiday season only, the above hours are extended. The use of the remaining space of the Proposed Building should include similar hours although a convenience store with extended hours is a possible use. Nusinov, however, occupies most of the space. Accordingly, the peak hours of the Valley View Inn will occur at a time when the Nusinov use is decreasing or has ended entirely and the uses will be compatible even with the shortfall in parking spaces.

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HARDSHIP OR PRACTICAL DIFFICULTY

The standard for granting an area variance is whether the strict compliance with the Zoning Regulations would result in "practical difficulty". McLean v. Solay, 270 Md. 208 (1973). It is understood that a variance should not be granted for the mere convenience of the applicant, but must be based on unique circumstances which will allow the relaxation of strict compliance without violating the spirit of the ordinance. However, it is equally clear that the granting of an area variance such as here, only requires a showing of "practical difficulty" and not undue hardship which is applicable to a use variance. Anderson v. Board of Appeals, 22 Md. App. 28 (1974).

Petitioner does not argue that the applicability of the parking regulations will prohibit its effective use of the Property. Petitioner does, however, contend that the strict application of the parking requirements will not serve the harmony of the area. The Proposed Building features a beautiful mezzanine which would have to be eliminated due to cost constraints if the overall size of the building must be limited. Furthermore, the combined uses of the Proposed Building and the Valley View Inn do not involve similar peak uses and, therefore, the public will not be burdened by insufficient parking.

Most importantly, the Office of Planning and Zoning supports the project as accommodating the interests of the

-6-

public. As presently designed, the Proposed Building cannot be built unless relief can be obtained. Because of this practical difficulty but overall harmony with the intent of the regulations, the Petition should be granted.

Respectfully submitted,

Eugene W. Cunningham, Jr.
Royston, Mueller, McLean & Reid
102 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-1800

Attorneys for Petitioner

-7-

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.2 of the Baltimore County Zoning Regulations to permit only 136 parking spaces for the property where 147 spaces are required, 19 of which are public spaces lying off-site on County-owned land.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)

The property is presently improved with a restaurant. The owner intends to construct a retail/office commercial building containing approximately 16,982 square feet. The existing restaurant (with two apartments) requires 73.1 spaces under present laws where now there exist only 19. An additional 117 spaces are provided where the new improvements require only 74. The commercial building cannot be feasibly constructed if the combined parking requirements must be met.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

ZONING DESCRIPTION - Nusinov Property

BEGINNING for the same at the intersection of the north side of Wilker Avenue, 30 feet wide, and the west side of Satyr Hill Road, variable width, as shown on S.R.C. Plat No. 24529 thence running with and binding on the north side of said Wilker Avenue the two following courses and distances: North 85 degrees 29 minutes 30 seconds West 4.03 feet and South 86 degrees 37 minutes 07 seconds West 200.04 feet to intersect the northeast side of The Baltimore Beltway as shown on S.R.C. Plat No. 47643 thence running with and binding on the northeast side of said Baltimore Beltway the two following courses and distances: North 51 degrees 06 minutes 40 seconds West 253.77 feet and North 12 degrees 10 minutes 49 seconds West 92.07 feet and thence leaving the northeast side of said Baltimore Beltway and running North 87 degrees 33 minutes 28 seconds East 383.49 feet to intersect the west side of said Satyr Hill Road thence running with and binding on the west side of said road the thence following courses and distances: South 07 degrees 16 minutes 22 seconds East 86.57 feet, South 17 degrees 12 minutes 03 seconds East 55.92 feet and South 05 degrees 58 minutes 09 seconds East 115.78 feet to the place of beginning.

BEGINNING for the same at a point in the centre of Satyr Hill Road at the end of the East seventy-six perches line of the land conveyed by Robert S. Welch to Johann Leubach, et al, dated April 1, 1848, and recorded in the Land Records of Baltimore County in Liber T.B.S. No. 1844, folio 260, etc. and running thence and binding on said road, thence North four degrees East two hundred feet to intersect the land belonging to William A. Gotts and wife; thence binding on the said land South five degrees East two hundred eighty-seven degrees East seventy-six perches line of the and eighty-four feet to intersect the aforesaid East seventy-six perches line of the whole tract of land and to the southern side of Wilker Avenue (twenty feet wide); thence binding on the aforesaid last rected line South eighty-seven degrees East four hundred and sixty feet to the place of beginning. Containing three acres of land more or less.

SAVING AND EXCEPTING thereout the following:

- Deed dated June 21, 1950, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1844, folio 517, was granted and conveyed by Elizabeth Biel, widow to Charles A. Biel, Sr. and wife.
- Deed dated January 31, 1962, and recorded among the Land Records in Liber W.J.R. No. 3955, folio 516, from Elizabeth Biel, widow, to the State Roads Commissioner of Maryland.
- Deed and Agreement dated January 4, 1963, and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4097, folio 394, from Elizabeth Biel, widow, to Baltimore County, Maryland.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 87th
Date of Posting: 1/30/88
Posted for: Variance
Petitioner: GOR & Associates, Limited Partnership (Charles Nusinov)
Location of property: 87th Satyr Hill Rd. - E. Wilker Ave. at Satyr Hill Rd.
Location of Sign: 87th Satyr Hill Rd. - E. Wilker Ave. at Satyr Hill Rd.
Remarks: 1/30/88
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 87th
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Location of Sign: 87th Satyr Hill Rd. - E. Wilker Ave. at Satyr Hill Rd.
Remarks: 1/30/88
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: JAN 06 1988

Mr. Keith Nusinov
6635 Belair Road
Baltimore, Maryland 21226

Re: Petition for Zoning Variance
Case Number: 88-140-A
W Side Satyr Hill Road, 240' x N of Wilker Avenue
6712 Satyr Hill Road
Petitioner(s): GOR & Associates Ltd. Partnership
Applicant: Charles Nusinov & Sons
Hearing Scheduled: January 26, 1988 at 2:00 p.m.

Dear Mr. Nusinov:

Please be advised that \$218.43* is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the County Office minutes before the hearing.

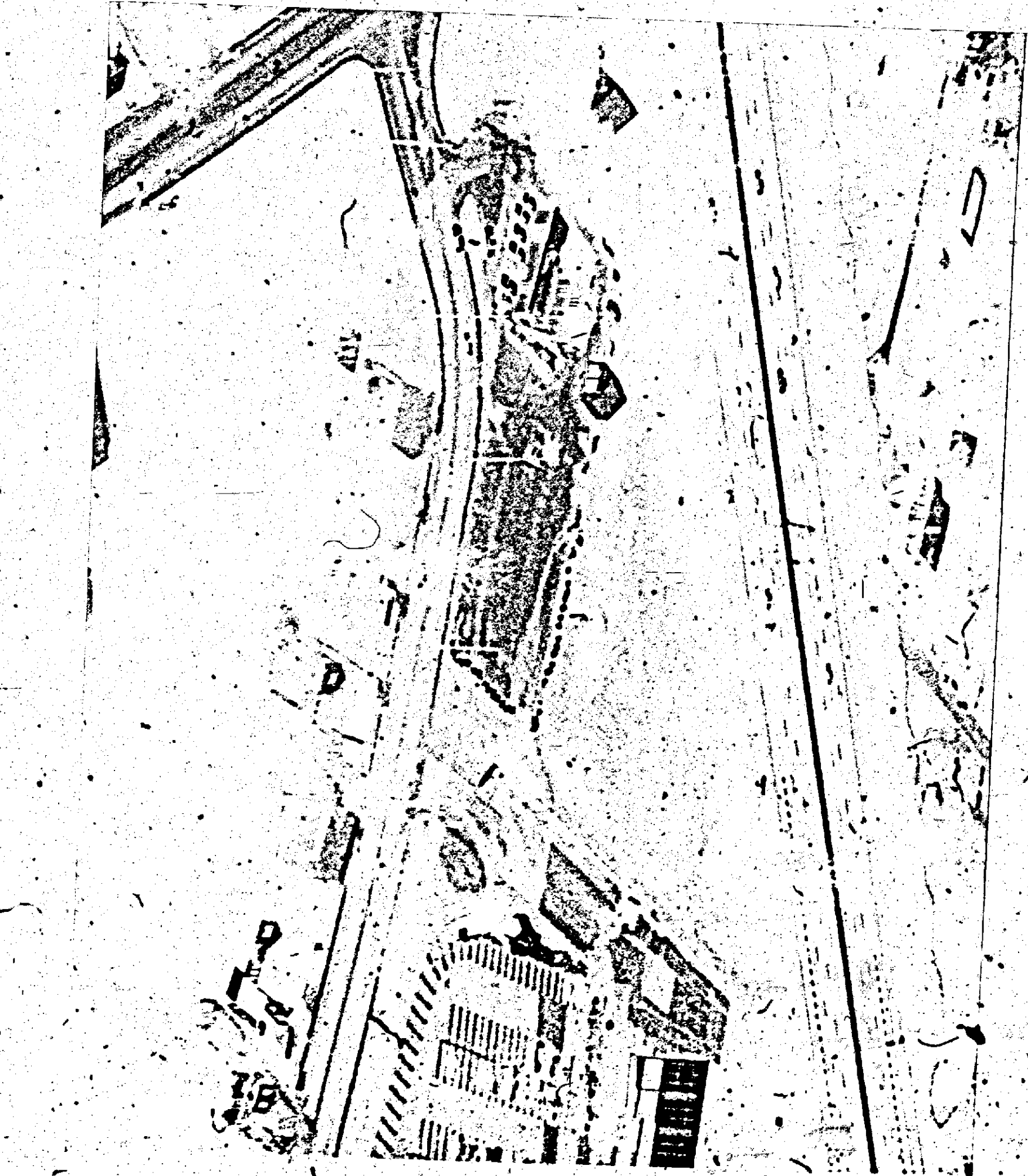
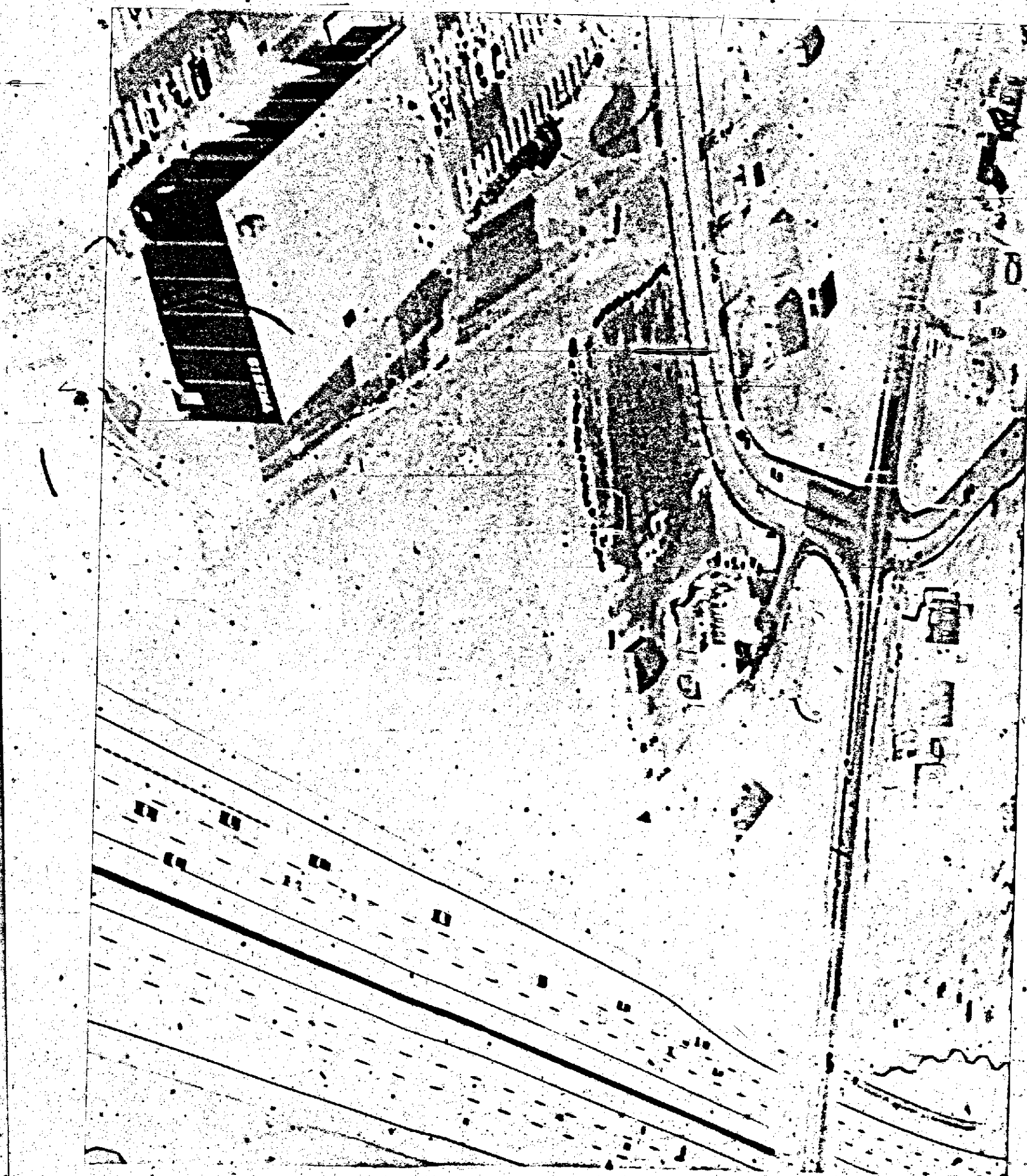
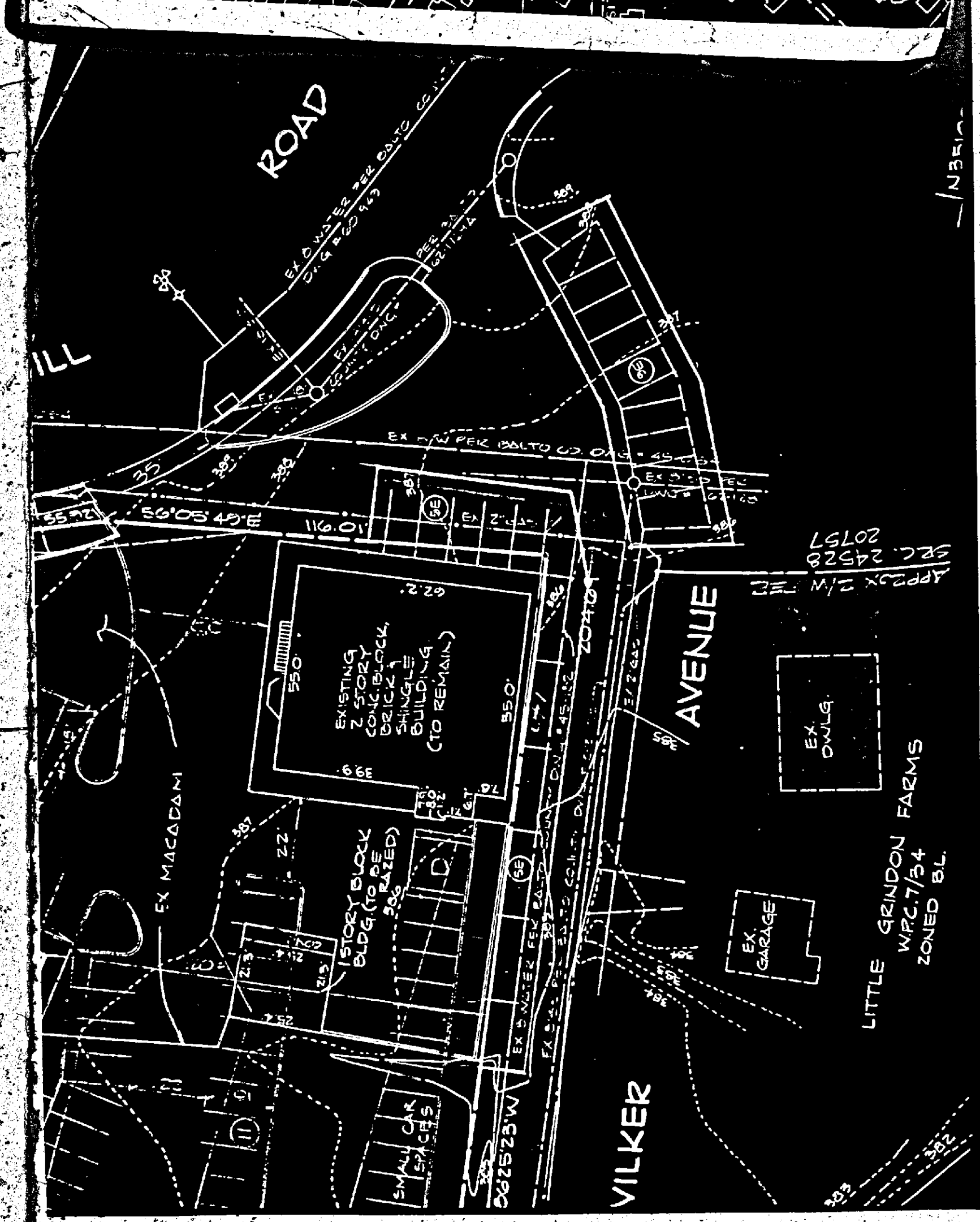
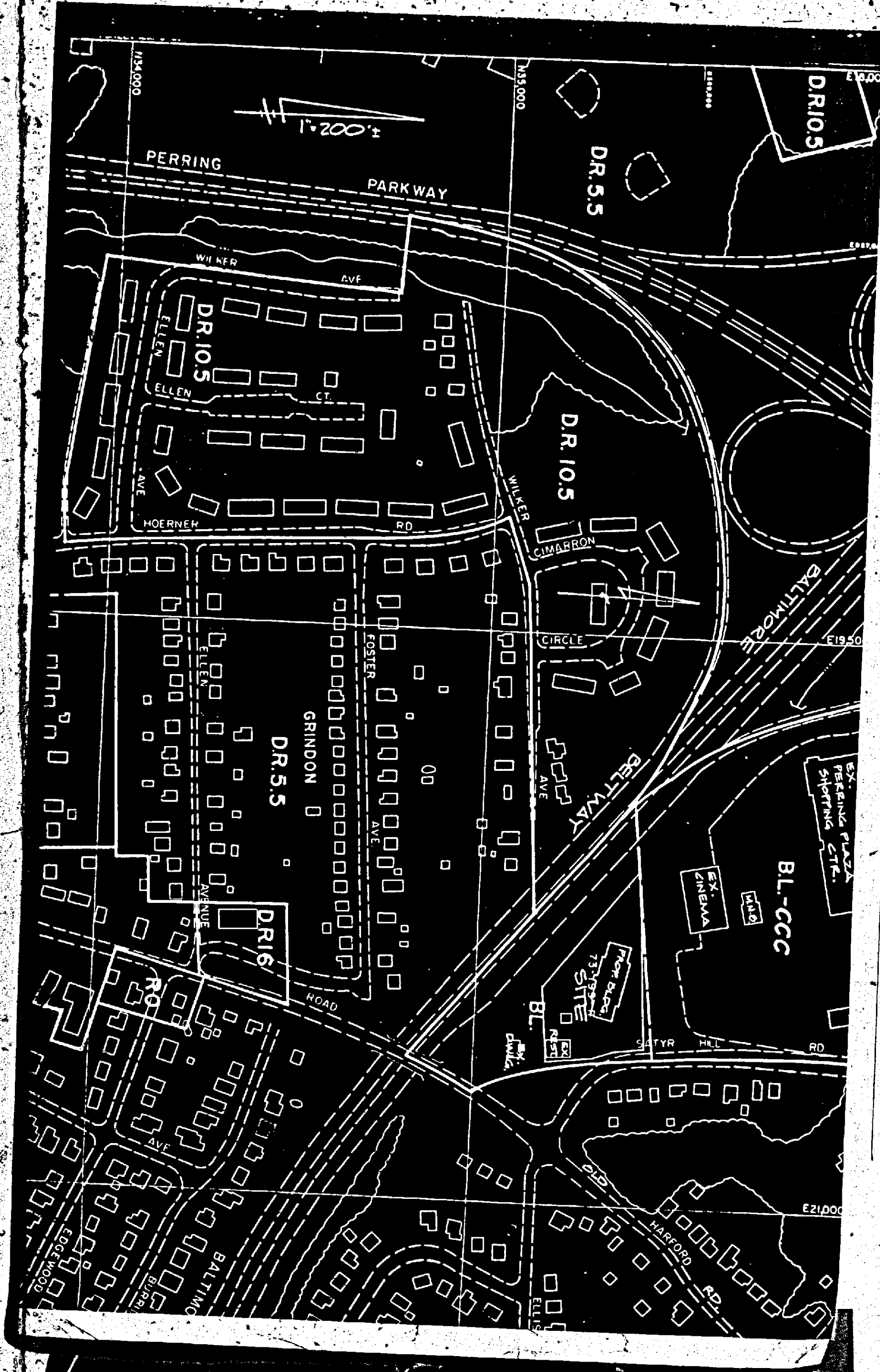
BAITMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 1-30-88 ACCOUNT: 111-111-1000
AMOUNT: \$ 218.43

RECEIVED FROM: GOR & Associates
FOR: Posting - Advertising (88-140-A)

B 8117*****218433-1111

VALIDATION OR SIGNATURE OF CASHIER



89-140-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
3rd day of August, 1988.

Petitioner: **CDK & Associates**
Petitioner's: **Ltd. Partnership**
Attorney: **Eugene M. Cunningham, Jr.**

Received by: **James E. Dyer**
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

August 1, 1988

Re: Property Owner: **CDK & Assoc., Ltd. Partnership**

Location: W. side of Satyr Hill Rd., 240' +/- N of Wilker Avenue

Item No.: 22 Zoning Agenda: Meeting of 8/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: **John F. O'Neill**
Planning Group
Special Inspection Division

Noted and
Approved: **John F. O'Neill**
Fire Prevention Bureau

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Item No. 22 -ZAC- Meeting of August 2, 1988
Property Owner: **CDK & Assoc.**
Location: **WS Satyr Hill Road**
Existing Zoning: **B.L.**

Dear Mr. Haines:

It is requested that the proposed access near the northern property line and the existing access in the middle be combined to a single access on Satyr Hill Road.

Some parking spaces may have to be redesigned.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SDA/RF/lab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Eugene W. Cunningham, Jr.
White, Mindel, Clarke & Hill
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: Item No. 22 - Case No. 89-140-A
Petitioner: **CDK & Associates Ltd. Partnership**
Petition for Zoning Variance

Dear Mr. Cunningham:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: V.T. Associates, Inc.
4932 Hazelwood Avenue
Baltimore, Maryland 21206



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

September 19, 1988

Re: Baltimore County
Nusinov Office Center
Zoning meeting 8/2/88
W/S Satyr Hill Road
240' north of Wilker Avenue
Item # 22

Dear Mr. Haines:

This is a follow up to our letter of August 15, and is hereby informing you that there is no impact to this site from our future beltway improvements.

However, this plan must be reviewed by our hydraulic section concerning the proposed storm water run off into SHA right-of-way.

If you have any questions, call Larry Brocato of this office (333-1350).

Very truly yours,

Creston J. Mills, Jr.
Chief Bureau of Engineering
Access Permits

LB/es

cc: VT Associates Inc.
J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 885-9410 D.C. Metro - 1-800-492-0662 Statewide Toll Free
707 North Calvert St. Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 15, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Nusinov Office Center
Zoning meeting 8/2/88
W/S Satyr Hill Road
240' north of Wilker Avenue
Item # 22

Dear Mr. Haines:

After reviewing the submittal of CDK and Associates Limited Partnership Retail Office Center, we offer the following comments.

This plan has been forwarded to our Project Development Section with concern to any possible impact from our future Beltway improvements. This information will be forthcoming.

Also, this plan must be reviewed by our Hydraulics Section concerning the proposed storm water run-off into SHA right-of-way.

If you have any questions, please call Larry Brocato of this office (333-1350).

Very truly yours,

Creston J. Mills, Jr.
Chief Bureau of Engineering
Access Permits

LB/es

cc: VTA Associates Inc.
J. Ogle

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 22, Zoning Advisory Committee Meeting of August 2, 1988

Property Owner: **CDK & Associates Ltd. Partnership**

Location: **WS of Satyr Hill Rd., 240' (approx.) N of Wilker Ave.**

Water Supply: **metro** Sewage Disposal: **metro**

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendages pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- (X) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____, conducted.
- () The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (X) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Karen D. Cherry
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT